

DATE: 3/5/08 CASE NUMBER: 08-15379M-SD-001

CLOSED

USA vs. Pedro Montalvo-Pacheco

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Brenda Acosta Sandoval (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: Before: <input type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger	IDENTITY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued.
PRELIMINARY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	STATUS HEARING: re: <u>Venue Waiver</u> <input checked="" type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before:

Other: Government moves for a dismissal. Defense has no objection. Court grants motion and dismisses case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

DATE: 3/4/2008 CASE NUMBER: 08-15379-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Pedro Montalvo-Pacheco

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Marcia Resler
LANGUAGE: Spanish

Attorney for Defendant Brenda Acosta Sandoval (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 3/2/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

- ☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☐ Held ☒ Cont'd ☐ Reset
Set for: 3/5/08 at 1:00 p.m. before: Magistrate Judge Irwin

- ☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts ONE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) ONE of the ☐ Information ☐ Indictment ☒ Complaint
☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☒ Court does not accept defendant's plea of guilty because Defendant refuses to sign a Waiver of Removal
☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☐ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

- ☐ Defendant committed to Bureau of Prisons for a period of ____ ☐ Probation/Supervised Release for _____
☐ Special Assessment \$ _____ ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: Defense counsel advises the Court that the defendant refuses to sign a Waiver of Removal. The Government requests a one day continuance. IT IS SO ORDERED.

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

3/2

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Pedro MONTALVO-Pacheco

Citizen of Mexico

YOB: 1987

A88 764 348

Illegal Alien

CRIMINAL COMPLAINT

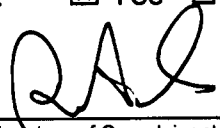
CASE NUMBER: 08-15379M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about October 1, 2007, near Tecate, California in the Southern District of California, Defendant Pedro MONTALVO-Pacheco, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No



Signature of Complainant

Ross Andres

Senior Patrol Agent

Sworn to before me and subscribed in my presence,

March 4, 2008

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Pedro MONTALVO-Pacheco

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien.

CRIMINAL HISTORY: None found.

<u>DATE LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
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Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Wellton Border Patrol agents near Gila Bend, Arizona.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

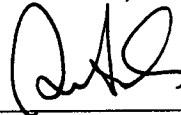
On March 2, 2008 Agent Michael Barends was performing Border Patrol Operations near Gila Bend, Arizona when he observed two Ford Mini-Vans (one green and one purple) traveling south and entered onto Interstate 8 eastbound. Agent Barends observed that the back seats of each vehicle were missing seats. As Agent Barends observed the two vans travel eastbound they reduced their speed and turned directly into the center of the Interstate and then began traveling westbound. Agent Barends then followed the vehicles into a Shell Gas Station. When Agent Barends attempted to make contact with the drivers of the vehicles each vehicle quickly exited the parking lot east towards State Route 85. While traveling northbound on SR 85 Agent Barends ran record checks on the purple Ford Windstar and initiated a vehicle stop. The driver, later identified as Jose RAMIREZ-Pacheco, of the purple van immediately yielded to the side of the road. The second green van passed Agent Barends location while being followed by Agent Mercer. Agent Mercer then initiated a vehicle stop with the green van, at that point the vehicle failed to yield to the Agent Mercer's emergency lights and sirens. After a 10 mile pursuit the vehicle stopped and the driver, later identified as Pedro MONTALVO-Pacheco, fled on foot. A foot pursuit ensued and the agents were able to apprehend MONTALVO.

The Defendant was transported to the Wellton station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Tecate, California on October 1, 2007.

Charges: 8 USC§1325

(Misdemeanor)

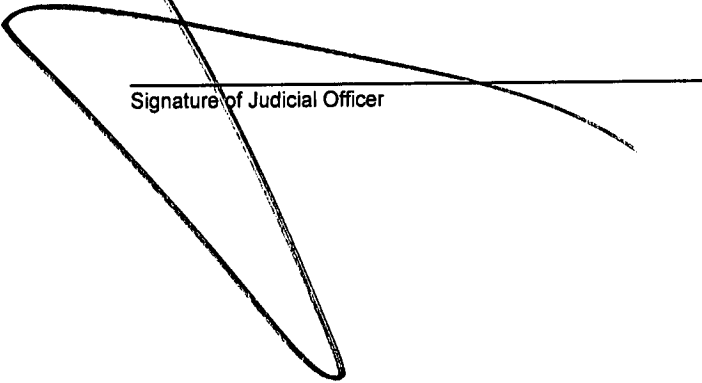


Signature of Complainant

Sworn to before me and subscribed in my presence,

March 4, 2008

Date



Signature of Judicial Officer